IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6053 of 2007()

CMP.1578/2007 of J.M.F.C.-II, SULTHANBATHERY
CRIME NO.185/07 OF PULPALLY POLICE STATION

.....

: PETITIONER/6TH ACCUSED

T.T.KURIYAKOSE, S/O.THOMAS, AGED 43,
THOTTATHIL HOUSE, CHEEYAMBAM,
PULPALLY, WAYANAD DISTRICT.

BY ADV. SRI.N.J.ANTONY

RESPONDENTS: COMPLAINANT/STATE

---

1. SUB INSPECTOR OF POLICE,
PULPALLY.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY DIRECTOR GENERAL OF PROSECUTIONS SRI.P.G.THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6053 of 2007

Dated this the 8th day of October 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. 8540 litres of spirit loaded in a lorry was detected on 29/6/2007. The lorry with the load was found abandoned within the jurisdiction of Pulpally police station. Investigation is in progress. This court had occasion to comment on the unsatisfactory quality of investigation earlier. Subsequently investigation is now being conducted by a Deputy Superintendent of Police, it is reported. The petitioner was arrested on 17/9/2007. Actually he was in custody in another case and his arrest in this case was noted on 17/9/2007. The learned counsel for the petitioner submits that the petitioner is innocent. It is prayed that the petitioner may be granted bail.

2. The application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that the investigation is not complete. The principal accused has not

been arrested. The petitioner may not be released at this early stage, it is prayed.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 23/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007